June 24, 1999

Ms. Magalie Roman Salas
Office of the Secretary
Federal Communications Commission
The Portals
445 Twelfth Street, S.W.
12th Street Lobby, TW-A325
Washington, DC 20554

Re: Comments
CC Docket No. 94-102

Dear Ms. Salas:

Enclosed is an original and eleven copies of our Reply Comments in response to the Commission's Public Notice, DA 99-1049, in the above referenced proceeding. Please distribute copies to each Commissioner and return one filed stamped copy to us in the enclosed self addressed, stamped envelope. Thank you.

Sincerely,

Carl Hilliard / By: Ed de Jesus
Carl Hilliard

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules	)	**CC Docket No. 94-102**
To Ensure Compatibility With	)	
Enhanced 911 Emergency Calling	)	
Systems	)	

REPLY COMMENTS OF THE WIRELESS CONSUMERS ALLIANCE, INC.

The Wireless consumers Alliance, Inc. ("WCA") submits its reply to the Comments filed in response to the Commission's Public Notice, DA 99-1049 (released June 1, 1999) ("Notice") concerning wireless E911 Phase II Automatic Location Identification ("ALI") requirements.

After reading the comments filed by over thirty respondents in this docket, WCA continues to believe that the Commission can not statutorily defer to the market place when it comes to setting standards to ensure the public's safety. The comments filed by the carriers all claim diligence in the pursuit of solutions to the mandate for Phase II ALI by October 1, 2001 but only one has selected a technology. The network solution vendors claim foul because their "investment" might be jeopardized by the FCC revisiting the mandate or claim that more time is needed to implement their solution. As NENA fears, these machinations of the "market place" are having the effect of shifting the focus from the true issue of saving lives. This is precisely why the Commission must now act in a clear, decisive manner.

The Commission must establish a uniform standard as a platform which can be used by the various handset equipment suppliers to deliver ALI information in a format which can be read by a basic receiver at the PSAP.

"NENA consistently has taken the position of supporting any location technology solution that *will work throughout the nation* and delivers the features needed *to ensure compatibility with the nation's Enhanced 9-1-1 Emergency Calling System.*" (*NENA* Comments, p. 4, emphasis added). "[I]t is important to ensure that roamers have ubiquitous access to foreign systems using the same technology, some degree of uniformity of positioning determination should be required." (Ericsson, p. 5). However, the "[p]roposed solutions from SnapTrack, Qualcomm, SiRF, and IDC are all incompatible." (Radix, p. 5).

"Aerial supports the standardization of ALI technology in handsets so that all handsets deployed after a certain date would be ALI capable." (Aerial, p.4). TIA states that there is a need for comprehensive standards for ALI implementation. We agree. We continue to believe there are three absolute prerequisites in setting standards for handset based solutions. First, the carriers must be required to send enhanced GPS satellite information ("eGPS") to the handset and be transparent to the transmission of GPS information from the handset. Second, the Commission must require that all GPS information from the handset be sent MF over the voice channel in-band for delivery to the PSAP. The objective should be to standardize the decoder equipment so that the PSAPs will be able to handle GPS information from any GPS handset without the need to purchase different types of decoders. Third, the Commission must require that all handset manufacturers include eGPS capability in all handsets manufactured after a certain date (within 6 months from the effective date of the Commission's order).

WCA re-iterates its position that eGPS handset based ALI will provide the most accurate and cost-effective solution to the PSAP needs, and the needs of the consumer while placing as small a burden as possible on the carrier to deliver this life saving assistance. WCA proposed what it understands to be a low cost, non-proprietary solution which depends on the carrier to send enhanced GPS ("eGPS") information to the handset which would then be able to provide accurate ALI information over the voice channel using an in-band signaling technique which has been employed by wireline telephone companies for decades. These basic building blocks would enable the PSAP to receive and use ALI information from any handset. Competition can improve, enhance, deliver at a lower cost, etc. as long as the basic information is delivered in a standard format.

Our selection of non-proprietary in-band MF delivery of the location data over the voice channel is intended to avoid any recurring charges. Our expectation is a one-time low cost enhancement to the handset that will provide the caller's location through use of the "free" GPS signals. We are not endorsing any proprietary system. The purpose of our proposal is not satisfied if the PSAP must have a multitude of decoders or if the cost to equip the handset to use and send eGPS is not minimal.[1] Excessive equipment charges and/or recurring monthly charges defeat the objective of providing basic ALI information. These are by-products of competition which produces incompatible systems which are not in the public interest when it comes to delivery of ALI information.

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[1] Cost of GPS chip in handset $10. IDC, p. 15. Cost of a battery retrofit between $30 to $40 per battery. IDC p. 14. These costs, to us, appear to be reasonable as long as they are not associated with any reoccurring charges.

WHAT ARE THE CARRIERS REQUIRED TO SUPPLY TO ACCOMPLISH THE DELIVERY OF ALI INFORMATION REQUIRED BY THE PUBLIC INTEREST?

It makes little sense to require the carrier to supply network ALI systems that are inadequate and too expensive for most PSAPs to deploy. We cannot support NENA's attempt to have the FCC coerce Houston Cellular into participating in a "trial" that apparently will produce little real value for their customers. Nor can we support the suggestion of SnapTrack and APCO that would require carriers to sell a certain percentage of ALI capable phones and commit to a given penetration rate. This Commission has just found that:

> "We are also unconvinced by Alliance's claims that customers will not in fact have a real choice, because carriers dominate the handset market . . . while carriers are major distributors of handsets, there are other sales channels available to customers (*e.g.*, consumer electronics stores) and many customers make use of these alternatives. According to one study, directs sales from carriers account for about 24 percent of cellular sales and sales by agents about 25 percent. Other sources, such as specialized communications stores and a wide range of other retailers provide about 44 percent of handsets, while resellers represent about 5 percent."[2]

While AirTouch is willing to commit to purchase ALI handsets it states "[c]arriers cannot be held responsible for vendor failure to broadly produce commercially available ALI-capable digital handsets in popular digital models in the marketplace." (AirTouch Comments, p. 12. "RTG suggests that it is the manufacturers who have more control over affordable ALI-capable handsets than the [carriers]." (RTG, p. 4). And, TruePosition states that "[s]o long as there is demand, manufacturers will always choose to produce a lower-cost . . phone[s]". (TruePosition, p. 9). Thus, any effective mandate must be directed towards the handset manufacturers — not the carriers.

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[2] Second Report and Order,¶83, released June 9, 1999.

Nor do we think that it is realistic (or constitutional) to require carriers to retrofit or replace existing equipment. We agree that the next "wave" of handset equipment will provide additional features and services which will be attractive to consumers. As a practical matter, the carriers commitment to aggressively market and sell ALI capable handsets during this period when new products and services are being sold is probably the most effective solution. (See US West Comments, p.9 and AirTouch Comments, p. 17).

We suggest that the carriers simply be required to add incremental capacity to their existing GPS equipment to permit the transmission of eGPS information to and from handsets and that the relatively small cost of that equipment can be more efficiently passed on to subscribers by the carriers without resorting to any cumbersome reimbursement methods.

CONCLUSION

The public need for the delivery of accurate ALI information in 911 situations, as emphasized by NENA, transcends the commercial interests of the various parties to this proceeding. It is time to relieve the carriers and the PSAPs of the burden of trying to deploy network based systems that are too expensive, too cumbersome and too inefficient to satisfy the public need for ALI in an emergency. It is also time to recognize that there are instances, such as this, when there is a market place failure and the Commission must establish standards which will ensure the nationwide deployment of compatible ALI equipment at a reasonable cost. We

believe that the rule change we have suggested will accomplish this purpose and urge the Commission to proceed accordingly.

Respectfully Submitted,

Wireless Consumers Alliance, Inc.

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CERTIFICATE OF SERVICE

I, Ed de Jesus, hereby certify that on this 24th day of June, 1999, copies of the foregoing Reply Comments of the Wireless Consumers Alliance, Inc. In CC Docket No. 94-102 were served by mail on the following:

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